

# **EXHIBIT D**

1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                                   **Under the California Fair Employment and Housing Act**  
5                                   **(Gov. Code, § 12900 et seq.)**

6                   **In the Matter of the Complaint of**  
7                   **Donald R Worrell Jr**

DFEH No. 201912-08577013

8                                   Complainant,

9                   vs.

10                   Pacific Gas and Electric Company  
11                   77 Beale Street  
12                   San Francisco, California 94105

13                   Dan Rizzo

14                                   Respondents

15                   1. Respondent **Pacific Gas and Electric Company** is an employer subject to suit  
16                   under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900  
17                   et seq.).

18                   2. Complainant **Donald R Worrell Jr**, resides in the City of State of .

19                   3. Complainant alleges that on or about **December 14, 2018**, respondent took the  
20                   following adverse actions:

21                   **Complainant was harassed** because of complainant's age (40 and over), sexual  
22                   harassment- hostile environment.

23                   **Complainant was discriminated against** because of complainant's age (40 and  
24                   over), sexual harassment- hostile environment and as a result of the discrimination  
25                   was terminated, denied work opportunities or assignments.

26                   **Complainant experienced retaliation** because complainant reported or resisted  
27                   any form of discrimination or harassment and as a result was terminated.

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*Complaint – DFEH No. 201912-08577013*

Date Filed: December 13, 2019

Date Amended: December 13, 2019

1 **Additional Complaint Details:** Mr. Worrell began his employment with Pacific Gas  
2 & Electric Company (PG&E) in 1987 as a Journeyman Lineman, worked his way  
3 through the ranks to a management position and ultimately became the supervisor  
4 of crews at the Higuera Service Center in San Luis Obispo. Mr. Worrell held that  
5 supervisor position for approximately 11 years until his abrupt termination on  
6 December 14, 2018. Additionally, Mr. Worrell was the On-Call Emergency  
7 Supervisor and Incident Commander during storm damage. Mr. Worrell was a  
8 diligent, respectful and devoted employee excelling in human relations with both his  
9 peers and upper management for the betterment of the company for 31-1/2 years.  
10 He cared greatly about the employees he supervised and worked with as well as the  
11 customers they served. He worked countless outages and was always willing to put  
12 in overtime to ensure customers had power as soon as possible.

13 In 2018, Mr. Worrell was falsely accused of making three inappropriate comments  
14 toward a female temporary employee. One of the alleged comments, Mr. Worrell  
15 adamantly denies. Mr. Worrell provided names of witnesses who would testify they  
16 have never heard Mr. Worrell use such words nor do not believe he would ever say  
17 such a thing. However, PG&E did not bother talking to these identified witnesses.  
18 The other two comments complained of were completely twisted and taken out of  
19 context so as to make it look like they were inappropriate when in fact they were  
20 nothing more than attempts to be courteous. Despite his lifetime commitment to the  
21 organization, PG&E terminated Mr. Worrell without so much as an in-person  
22 interview to allow him to defend himself, PG&E did not afford him an appropriate and  
23 adequate investigation but instead reached an obviously predetermined conclusion.  
24 In fact, Mr. Worrell was targeted and terminated for reasons that do not withstand  
25 legal scrutiny.

26 Upon review of this matter, it seems clear that PG&E has considerable liability based  
27 upon the potential age discrimination claims of Mr. Worrell. The overwhelming  
28 atmosphere created by his Superintendent, Dan Rizzo, was that they wanted young  
employees and that it was time for the older employees to go. Mr. Rizzo spoke  
openly to Mr. Worrell about wanting the older employees to retire. He regularly made  
comments to Mr. Worrell that the older employees who had been there a long time  
made too much money and that it wasn't right that Mr. Worrell made as much if not  
more money than he did. He chided Mr. Worrell for being too old to go out with the  
guys after work and for not wanting to "hang out" because he was old and wanting to  
go home to his family. Mr. Rizzo referred to Mr. Worrell as "old man," "dinosaur,"  
and "caveman" on a regular basis. Mr. Worrell was also cognizant that Mr. Rizzo  
was targeting three other older workers specifically based upon their age and that he  
had succeeded in getting one to retire against his will. Mr. Rizzo's very vocal desire  
to be rid of the older workers within the department and the shoddy investigation (if it  
can even be called an investigation) make clear the pretextual nature of Mr.  
Worrell's termination.

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1 There was a clear agenda to get rid of Mr. Worrell based upon his age. The  
2 sequence of events leading up to Mr. Worrell's termination is further telling of the  
3 blatant desire to get rid of Mr. Worrell. Two comments he purportedly stated, which  
4 were both in fact innocent compliments, were taken completely out of context, and  
5 used against Mr. Worrell. A file clerk mentioned these comments made to her to Mr.  
6 Worrell's supervisors who in turn made complaints to HR. What ensued next is mind  
7 boggling. There was a sham investigation wherein critical witness were not  
8 interviewed, no credibility assessments are made, no face to face interview was ever  
9 done with Mr. Worrell, and a predetermined outcome was clearly reached.

10 Worse still, PG&E then proceeded to "Blackball" Mr. Worrell by preventing him from  
11 working with any company associated or contracted with PG&E. This, has severely  
12 limited his ability to find employment in the area effectively "blacklisting" him from the  
13 industry altogether. The Labor Code (§1050-1053) specifies the following acts as  
14 blacklisting: Preventing or attempting to prevent former employee from getting work  
15 through misrepresentation. Knowingly permitting or failing to take reasonable steps  
16 to prevent blacklisting. Given the questionable circumstances surrounding the  
17 termination of Mr. Worrell, the poor "investigation" in which the investigator clearly  
18 took comments out of context, did not interview critical identified witnesses, talked to  
19 Mr. Worrell over the telephone for approximately 20 minutes, and then reached an  
20 obviously predetermined conclusion, the fact that there was never any progressive  
21 counseling or prior performance issues, Mr. Worrell's excellent performance, the  
22 hostile atmosphere toward older workers, and Dan Rizzo's desire to be rid of the "old  
23 dinosaurs" and "cavemen," we believe that PG&E's conduct clearly violates Mr.  
24 Worrell's rights.  
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1 VERIFICATION

2 I, **David S. Hamilton**, am the **Attorney** in the above-entitled complaint. I have read  
3 the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On December 13, 2019, I declare under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and correct.

7 **San Luis Obispo, CA**  
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**PROOF OF SERVICE**  
**(CCP §101(a) and 2015.5)**

I am employed in the County of San Luis Obispo, State of California. I am over the age of 18 and not a party to the within action; my business address is 755 Santa Rosa Street, Suite 300, San Luis Obispo, CA 93401.

On February 12, 2020, I served a copy of the "DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING COMPLAINT" on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL** - Following ordinary business practice, I placed said envelope(s) for collection and mailing at the office of Frederickson Hamilton, LLP, located at **755 Santa Rosa Street, Suite 300, San Luis Obispo, CA 93401**. I am readily familiar with the firm's practice of collection and processing correspondence or mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, at San Luis Obispo, California, in the ordinary course of business.

**BY OVERNIGHT DELIVERY** - I caused the envelope(s) to be delivered to an authorized courier or driver authorized by GOLDEN STATE OVERNIGHT to receive documents with delivery fees provided for.

**BY FACSIMILE** - I caused the above-described document(s) to be transmitted to the interested parties at facsimile number(s) indicated above and the transmission report(s) generate by the facsimile number (805) 617-1827 indicated all pages were transmitted. A true and correct copy of the transmission report is attached hereto.

**BY ELECTRONIC MAIL** - I caused such documents described herein to be sent to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY PERSONAL SERVICE** - I caused such envelope(s) to be delivered by hand to the address(es) shown on the Service List.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on February 12, 2020, at San Luis Obispo, California.

  
\_\_\_\_\_  
Keely Scott

PROOF OF SERVICE

**SERVICE LIST**

Linda Y.H. Cheng  
Pacific Gas and Electric  
77 Beale Street, 24th Floor  
San Francisco, CA 94105

Agent for Service of Process for:  
Pacific Gas and Electric